

House File 2289 - Reprinted

HOUSE FILE 2289
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 2002)

(As Amended and Passed by the House March 12, 2012)

A BILL FOR

1 An Act relating to the appointment of certain judicial officers
2 and the clerks of the district court.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 46.14, Code 2011, is amended to read as
2 follows:

3 **46.14 Nomination — residence.**

4 1. Each judicial nominating commission shall carefully
5 consider the individuals available for judge, and within sixty
6 days after receiving notice of a vacancy shall certify to the
7 governor and the chief justice the proper number of nominees,
8 in alphabetical order. Such nominees shall be chosen by the
9 affirmative vote of a majority of the full statutory number
10 of commissioners upon the basis of their qualifications and
11 without regard to political affiliation. Nominees shall be
12 members of the bar of Iowa, shall be residents of the state ~~or~~
13 ~~district of the court to which they are nominated,~~ and shall
14 be of such age that they will be able to serve an initial and
15 one regular term of office to which they are nominated before
16 reaching the age of seventy-two years. ~~Nominees for district~~
17 ~~judge shall file a certified application form, to be provided~~
18 ~~by the supreme court, with the chairperson of the district~~
19 ~~judicial nominating commission.~~ Absence of a commissioner or
20 vacancy upon the commission shall not invalidate a nomination.
21 The chairperson of the commission shall promptly certify the
22 names of the nominees, in alphabetical order, to the governor
23 and the chief justice.

24 2. An applicant for district judge shall file a certified
25 application form, to be provided by the supreme court, with the
26 chairperson of the district judicial nominating commission. A
27 district judge appointee shall be a resident of the judicial
28 district before assuming office or, if the judicial district
29 is divided into judicial election districts, the appointee
30 shall be a resident of the judicial election district where the
31 nomination occurred before assuming office.

32 ~~2.~~ 3. A commissioner shall not be eligible for nomination
33 by the commission during the term for which the commissioner
34 was elected or appointed to that commission. A commissioner
35 shall not be eligible to vote for the nomination of a family

1 member, current law partner, or current business partner. For
 2 purposes of this subsection, "*family member*" means a spouse,
 3 son, daughter, brother, sister, uncle, aunt, first cousin,
 4 nephew, niece, father-in-law, mother-in-law, son-in-law,
 5 daughter-in-law, brother-in-law, sister-in-law, father, mother,
 6 stepfather, stepmother, stepson, stepdaughter, stepbrother,
 7 stepsister, half brother, or half sister.

8 Sec. 2. Section 602.1215, Subsection 1, Code 2011, is
 9 amended to read as follows:

10 **602.1215 Clerk of the district court.**

11 1. Subject to the provisions of section 602.1209,
 12 subsection 3, ~~the district judges of each~~ chief judge of
 13 the judicial election district, after consultation with the
 14 district judges of the district, shall ~~by majority vote~~ appoint
 15 persons to serve as clerks of the district court within the
 16 judicial election district. ~~The district judges of a judicial~~
 17 ~~election district~~ chief judge may appoint a person to serve
 18 as clerk of the district court for more than one but not more
 19 than four contiguous counties in the same judicial district.
 20 A person does not qualify for appointment to the office of
 21 clerk of the district court unless the person is at the time of
 22 application a resident of the state. A clerk of the district
 23 court may be removed from office for cause by ~~a majority vote~~
 24 ~~of the district judges of the~~ chief judge of the judicial
 25 ~~election district.~~ Prior to removal, the clerk of the
 26 district court shall be notified of the cause for removal.

27 Sec. 3. Section 602.7103C, subsections 2 and 3, Code 2011,
 28 are amended to read as follows:

29 2. A person does not qualify for appointment to the office
 30 of full-time associate juvenile judge unless the person is
 31 at the time of appointment a resident of the county judicial
 32 election district in which the vacancy exists, licensed
 33 to practice law in Iowa, and will be able, measured by the
 34 person's age at the time of appointment, to complete the
 35 initial term of office prior to reaching age seventy-two. An

1 applicant for full-time associate juvenile judge shall file
2 a certified application form, to be provided by the supreme
3 court, with the chairperson of the county magistrate appointing
4 commission.

5 3. A full-time associate juvenile judge must be a resident
6 of ~~a county~~ the judicial election district in which the
7 office is held during the entire term of office. A full-time
8 associate juvenile judge shall serve within the judicial
9 district in which appointed, as directed by the chief judge,
10 and is subject to reassignment under section 602.6108.